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10/001,361	10/23/2001	David Holbrook		1364
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Terence Sean Sullivan PO Box 425475 Cambridge, MA 02142			DIVECHA, KAMAL B	
			ART UNIT	PAPER NUMBER
			2151	
DATE MAILED: 08/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/001,361	HOLBROOK ET AL.	
	Examiner	Art Unit	
	KAMAL B. DIVECHA	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 June 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3,5-17,19,21 and 23-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3,5-17,19,21 and 23-27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 June 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.



Response to Arguments

Claims 1, 3, 5-17, 19, 21, 23-27 are pending in this Office Action.

Applicant has cancelled claims 2, 4, 18, 20 and 22.

Applicant has amended claims 1, 3, 5-17, 19 and 21; therefore examiner withdraws previous 35 USC 112, 2nd paragraph rejection made to claims.

Applicant has newly added claims 23-26.

Applicant's arguments filed July 27, 2005 have been fully considered but they are not persuasive.

Applicants arguments with respect to claim 1, that Vaudreuil is quite explicit about the fact that network hubs are in constant communication with one another and the network center to provide updates as to the status of messages within communication system and further updates user profiles information stored in the database, But Vaudreuil's system also teaches the intermittent or unreliable communications between messaging nodes i.e. between hubs where the messages are transferred on demand and whenever the connection is made (see col. 11 L1 to col. 12 L60). Vaudreuil teaches constant communication with the network center so that the communication system can be administered to provide updates (col. 7 L10-20), but the hubs or messaging systems in the system communicates with other using the unreliable communications as done in the instant application (see specification pg. 14). On the other hand, applicant also teaches and/or discloses a system wherein some instances of messaging node has dedicated or continuous network communications ("constant communications", specification pg. 16).

As per applicant's argument with respect to claim 2, applicant admits that the Vaudreuil does disclose the possibility of messages being sent across an intermittent connection between

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the hub and the downstream terminal (see Node/network connection not similar to Vaudreuil, paragraph 4). Therefore, In any event, it would have been obvious to a person of ordinary skilled in the art to modify Vaudreuil in order to make the connection between central server and a messaging node intermittent or unreliable. Assume item #16 in figure 1 as a central server and item #14 and 12 as messaging nodes. Vaudreuil explicitly teaches that the connection between the 12, 14 and 16 is intermittent or unreliable or made on demand (col. 11 L1 to col. 12 L59). Hence, messages are buffered in these messaging systems until the connection is made and therefore, Vaudreuil does teach the intermittent connections between the messaging nodes. Vaudreuil also teaches the process where the connection between the hubs is prioritized based on the total volume of traffic to be exchanged (see col. 16 L41 to col. 17 L22).

Messaging Zones not a cluster

As per applicant arguments that a cluster is not a primary messaging zone, the idea here was to show the applicant that the process of determining if a particular member belongs to the zone or not was known, i.e. whether the intended recipient is a valid member of the particular zone or cluster. It doesn't really matter whether the member is of a cluster or a primary zone, the idea is to determine which group or cluster or zone the member belongs.

Messaging Nodes not Messaging Addresses

Applicants argument that the step of maintaining association table, associating user accounts with at least one messaging node is not taught by Vaudreuil and is absent from the proposed combination of Vaudreuil and Modiri, Examiner disagrees with the applicant because Vaudreuil does teach the process of maintaining association table, associating user accounts with every messaging node (col. 21 L40 to col. 22 L41).

Novel Features over proposed combination

Applicant has stated that claim 1 has novel features over the proposed combination and produces new and unexpected results over Vaudreuil, Modiri, Rothblatt, or any combination thereof, however applicant has not provided any sufficient evidence proving the unexpected results.

In response to applicant's argument that the references (i.e. Leonard) fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the primary messaging zone is a list of messaging nodes read from a database record for a single message recipient, transmitting the message to a predefined set of messaging nodes from an association table record for a single message recipient) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the **first paragraph of 35 U.S.C. 112**:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1, 3, 5-17, 19, 21, 23-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims recite the limitation of “establishing a temporary second communications link between a protable messaging unit and said messaging node and conducting a data exchange over said second communications link, including transmission from portable messaging unit to said messaging node of a user request to collect new messages from messaging system, and transmission from said messaging node to said portable messaging unit of said incoming message, while said first communications link between said messaging node and said central server is not connected and said messaging node is not in communication with any other messaging nodes within said primary messaging zone, whereby said incoming message is proactively buffered at a messaging node within primary messaging zone from which the message recipient subsequently requests the collection of said incoming message while said first

communication link is not connected". However, the specification merely describes a method for the delivery of incoming messages comprising central server, plurality of messaging nodes and communication means for establishing a first communication link wherein the first communication link with at least one messaging node is intermittent or unreliable (see abstract, specification pg. 12, 13-15), hence, the above claimed limitation presents new matter situations and was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following is a quotation of the **second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3, 5-17, 19, 21 and 23-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 3 recites the limitation "said first communications link" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the message recipient" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 21 and 27 are rejected for the same reasons as set forth in claim 1.

Please Note the listing above is just provided as an example and is not the exhaustive listing of all the 35 USC 112, second paragraph rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1, 3, 11, 14-16 and 27 are rejected under 35 U.S.C. 103(a) as being obvious over Vaudreuil (U. S. Patent No. 5,740,230) in view of Modiri et al. (U. S. Patent No. 6,192,401 B1).

As per claim 1, Vaudreuil discloses a method for the delivery of an incoming message in a messaging system comprising a central server of said messaging system, a plurality of messaging nodes (fig. 1), a plurality of portable messaging units with user interface means for display of messages, a plurality of user accounts (col. 21 L40-65; fig. 10 item #149 and col. 4 L49-53), and a communications means for establishing an intermittent communications link between each of said messaging nodes and said central server, and communications means for establishing a temporary second communications link between portable messaging units and any of at least a subset of said messaging nodes (col. 11 L1-27 and fig. 1; col. 12 L14-26); said

method comprising the steps of: maintaining an association table, associating user accounts with at least one messaging node (fig. 10 item #149 and col. 21 L40-65 and fig. 14); identifying at least one user account indicated as a recipient of said incoming message, determined from a header of said incoming message (col. 22 L42-67); transmitting said incoming message across said first communications link to said messaging node within primary messaging zone (col. 2 L13-20; col. 11 L52-55; col. 12 L33-36); and buffering said incoming message at said messaging node within said primary messaging zone; establishing a temporary second communications link between a portable messaging unit and said messaging node and conducting a data exchange over said second communications link, including transmission from portable messaging unit of said messaging node of a user request to collect new messages from said messaging system, and transmission from said messaging node to said portable messaging unit of said incoming message, while said first communications link between said messaging node and said central server is not connected and said messaging node is not in communication with any other messaging nodes within said primary messaging zone (col. 11 L1 to col. 12 L42), where by said incoming message is proactively buffered at messaging node within said primary messaging zone from which the message recipients subsequently request the collection of said incoming message while said first communications link is not connected (fig. 10 item #146 and col. 9 L56-65 and col. 12 L50-55), however, Vaudreuil does not explicitly disclose the method including the step of determining membership of a messaging node within a primary messaging zone comprising the messaging nodes associated in association table with said user account of the recipient.

Modiri discloses a method to determine the membership of node in the cluster (see abstract, col. 2 L40-42). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Vaudreuil in order to determine membership of a messaging node within a primary messaging zone comprising the messaging nodes associated in said association table with user account of the recipient, since Modiri teaches the process of determining the membership of a node.

One of ordinary skilled in the art would have been motivated because it would have advantageously increase availability and performance by favoring the most valued (fastest, etc) nodes in the cluster (Modiri, col. 2 L35-40). Additionally, one of ordinary skilled in the art would have been motivated so that the messages are routed to the correct destination and placed in an intended users mailbox for later retrieval at the convenience of the user.

As per claim 3, Vaudreuil discloses communication systems including multilevel network architecture including a sequence of multiple communications links between network elements comprising said first communication link between said central server and said messaging node (fig. 1 and col. 11 L1 to col. 12 L60).

As per claim 11, Vaudreuil teaches the method wherein data exchange is encrypted (col. 28 L61-67 to col. 29 L1-7).

As per claim 14, Vaudreuil discloses messaging nodes located at a plurality of publicly accessible locations across a geographic region (fig. 1).

As per claim 15, Vaudreuil discloses the method wherein association table associates user accounts with a plurality of said messaging nodes and wherein said incoming message is transmitted from said central server to and buffered at a plurality of messaging nodes within

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primary messaging zone prior to the delivery of said incoming message to said portable messaging unit over said second communication link (Fig. 10 item #149, fig. 2 and fig. 1 item #12, 14, 16 and col. 21 L40-65; col. 11 L1 to col. 12 L59, col. 7 L45 to col. 8 L21).

As per claim 16, Vaudreuil discloses the method comprising using a dial-up modem connection (col. 12 L44-55).

As per claim 27, it does not teach or further define over the limitations in claim 1, 3, 11 and 14-16. Therefore, claim 27 is rejected for the same reasons as set forth in claims 1, 3, 11 and 14-16.

2. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being obvious over Vaudreuil (U. S. Patent No. 5,740,230) in view of Modiri et al. (U. S. Patent No. 6,192,401 B1), and further in view of “Official Notice”.

As per claim 13, Vaudreuil in view of Modiri does not explicitly teach the method wherein buffered message is retained in storage at said message node until at least one of the following conditions are met: said buffered message node has been collected from messaging node; said buffered message node has been collected from another messaging node; said buffered message node has been uncollected for longer than a predetermined interval; or said messaging node buffer storage utilization exceeds predetermined limits. But, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to retain the messages in a storage at messaging node until at least one of the conditions set forth above are met or occur. One of ordinary skilled in the art would have been motivated because it would have created storage space for incoming messages and would have further improved the buffering efficiency and/or storage efficiency.

As per claim 17, Vaudreuil teaches store and forward networking mechanism (col. 1L22-23), however, Vaudreuil does not explicitly disclose first communication link as a store and forward satellite communications system. But it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Vaudreuil to include store-and-forward satellite communication system. One of ordinary skilled in the art would have been motivated because this system would have enabled transmission of messages across great distances between two terminals on the ground.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being obvious over Vaudreuil (U. S. Patent No. 5,740,230) in view of Modiri et al. (U. S. Patent No. 6,192,401 B1), and further in view of Rothblatt (U. S. Patent No. 6,105,060).

As per claim 19, Rothblatt discloses the process wherein said incoming message is an automated response to an outgoing message previously sent from said user account, where said outgoing message was a request for network webpage retrieval and said incoming message includes a copy of said webpage (col. 2 L16-21 the user terminal enters the responses and requests to the Internet service provider via the communication link and receives multimedia data from the satellite, read as an automated response, col. 2 L45-64). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to combine Rothblatt and Vaudreuil in view of Modiri in order to receive an automated response for a request for advanced network function. One of ordinary skilled in the art would have been motivated because this would have provided the user terminals, the multimedia data and/or information and messages (Rothblatt, col. 2 L59-63).

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4. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being obvious over Vaudreuil (U. S. Patent No. 5,740,230) in view of Modiri et al. (U. S. Patent No. 6,192,401 B1), and further in view of Rothblatt (U. S. Patent No. 6,105,060), and further in view “Official Notice”.

As per claim 5, neither of the references above teaches the method wherein data exchange is conducted via a photonic communication system, but it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to conduct the data exchange via a photonic communications system. One of ordinary skilled in the art would have been motivated because Photonics networks offer dramatic increases in speed and bandwidth, allowing significantly greater amounts of information to be encoded and transmitted than with traditional cabling solutions.

As per claim 6, neither of the references above teaches the method wherein data exchange is conducted via a supersonic communications system, but it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to conduct the data exchange via a supersonic communications system. One of ordinary skilled in the art would have been motivated because it offers high speed and data rates.

As per claim 7, neither of the references above teaches the method wherein data exchange is conducted via a low power radio frequency transceiver communications system with a communications range under 100 meters, But it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to conduct a data exchange via a low power RF transceiver with communications range under 100 meters because the operational standards of the low power RF transceiver are more relaxed and as a result, the production costs of RF frequency communication systems using low power transceivers are well below those of

comparable systems using the high power transceivers for maintaining their communications links. It is also known that whenever data system components which are linked by RF transceivers are to be used in an environment wherein only short distances are expected to separate the linked components, the low power data transmission devices would appear to be advantageous with respect to the high power data transmission devices.

As per claim 8, neither of the references explicitly teaches the process of conducting data exchange via a temporary data cable, but it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to conduct the data exchange through a data cable because portable computers such as a portable laptops are capable of conducting data exchange using the LAN cable. One of ordinary skilled in the art would have been motivated because it would have provided a communications means between the two computer systems whenever other communications means such as wireless communications means fails.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being obvious over Vaudreuil (U. S. Patent No. 5,740,230) in view of Modiri et al. (U. S. Patent No. 6,192,401 B1), and further in view of Rothblatt (U. S. Patent No. 6,105,060), and further in view Miller et al. (U. S. Patent No. 5,195,183).

As per claim 9, neither of the references above discloses the method wherein messaging nodes include docking ports for communication with said portable messaging units. Miller explicitly discloses a data communication system with communicating docking apparatus for portable data terminals (fig. 6, col. 3 L34-37). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Miller with Vaudreuil, Modiri and Rothblatt in order to include docking ports for communication

with portable messaging units. One of ordinary skilled in the art would have motivated because it would have enabled communication between plurality of portable terminals and the host messaging node (Miller, col. 3 L34-37).

6. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being obvious over Vaudreuil (U. S. Patent No. 5,740,230) in view of Modiri et al. (U. S. Patent No. 6,192,401 B1), and further in view of Rothblatt (U. S. Patent No. 6,105,060), and further in view Danielson et al. (U. S. Patent No. 6,049,813).

As per claim 10, Neither Vaudreuil, nor Modiri, nor Rothblatt disclose the method wherein data exchange is initiated upon the placement of one of said portable messaging units in a docking port associated with said messaging node.

Danielson discloses a portable data collection terminal where data exchange is initiated upon the placement of portable unit in a docking device associated with the host (col. 26 L47-51 and fig. 30). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Danielson as stated above with Vaudreuil, Modiri and Rothblatt in order to conduct data exchange.

One of ordinary skilled in the art would have been motivated because it would have enabled communication with external devices such as messaging nodes or a host computer (Danielson, col. 26 L47-51).

As per claim 12, Danielson discloses a portable terminal capable of conducting data exchanges on behalf of plurality of user accounts (fig. 29). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Danielson with Vaudreuil, Modiri and Rothblatt in order to conduct

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data exchange in order to conduct data exchange on behalf of plurality of user accounts. One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 10.

7. Claims 21 and 23-26 are rejected under 35 U.S.C. 103(a) as being obvious over Leonard et al. (U. S. Patent No. 6,721,784 B1) in view of Vaudreuil (U. S. Patent No. 5,740,230).

As per claim 21, Leonard discloses a method for the delivery of an incoming message in a messaging system comprising a central server of messaging system (fig. 16 item #10 and fig. 17), a plurality of messaging nodes (fig. 16 item #13, 3 and fig. 17), and a communication means for establishing a first communication link between each of said messaging nodes and said central server (fig. 17), said method comprising steps of identifying at least one user account indicated as a recipient of said incoming message, determined from a header of said incoming message (col. 16 L8-11); identifying a primary messaging zone (read as identifying a group of recipients, col. 23 L19-30 and fig. 17); and transmitting said incoming message across said first communications link to members of said primary messaging zone (col. 23 L5-13, col. 16 L27-37, col. 22 L29-32 and fig. 170), however, Leonard does not explicitly disclose said method comprising the steps of maintaining an association table, associating user accounts with at least one messaging node; and buffering said incoming message at said messaging nodes, prior to a user request to collect new messages from said messaging system, where by said incoming message is buffered at messaging nodes from which recipients may subsequently request the collection of said incoming message.

Vaudreuil, from the same field of endeavor, discloses a method for the delivery of an incoming message in a messaging system (fig. 17) comprising the steps of: maintaining an

association table, associating user accounts with at least one messaging node (fig. 10 item #149 and col. 21 L40-65 and fig. 14); and buffering said incoming message at said messaging node, nodes within primary messaging zone prior, detecting at one of said messaging nodes to a user request to collect new messages from said messaging system and delivering said incoming message from this messaging node to said user while said first communications link between this messaging node and central server is not connected, where by said incoming message is proactively buffered at messaging nodes within zone from which message recipients subsequently request the collection of said incoming message while first communications link is not connected (fig. 10 item #146 and col. 9 L56-65 and col. 11 L1 to col. 12 L59). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Vaudreuil as stated above with Leonard in order to maintain user accounts with at least one messaging node and buffer incoming message at messaging node.

One of ordinary skilled in the art would have been motivated because it would have routed and filtered messages based on the user accounts (Vaudreuil, col. 21 L40-67 to col. 22 L1-410), and would have also provided a storage space for storing inbound and outbound messages or to hold incoming and outgoing messages (Vaudreuil, col. 9 L59-61, col. 10 L59-63).

As per claim 26, Leonard does not disclose the process of re-establishing first coomunications link between said central server and the messaging node where incoming message was transmitted to said portable messaging unit; transmitting to said central server over first communication link information indicating that this message was delivered and transmitting from said central server to other messaging units within said primary messaging zone a cancellation command to delete their buffered copies of said incoming message. Vaudreuil

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discloses the process of tracking and managing messages within the communication systems and the process of rerouting or deleting messages after they have been placed in communication systems (col. 18 L11 to col. 19 L20). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Leonard in order to send a cancellation command to messaging units to delete the buffered copies of the messages, since Vaudreuil teaches the process of deleting the messages after they have been placed in communication system. One of ordinary skilled in the art would have been motivated because it would have expedited the transmission of messages (Vaudreuil, col. 18 L26-42).

As per claim 23-25, they do not teach or further define over the limitations in claims 21 and 26. Therefore claims 23-25 are rejected for the same reasons as set forth in claims 21 and 26.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892 mailed on March 25, 2005).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Flex schedule 8 hr days (10.00am-6.30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


August 10, 2005.


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER